2. Rejections under 35 U.S.C. § 112, Second Paragraph

The Examiner rejects claims 44-46 under 35 U.S.C. § 112, Second Paragraph for being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants amend claim 44 to further specify the overlapping PCR process. As discussed in detail above, claim 44 as amended should be sufficiently definite to one of ordinary skill in the art in view of the lengthy description in the Specification. Withdrawal of the rejection under 35 U.S.C. § 112, Second Paragraph is therefore respectfully requested.

3. Rejections under 35 U.S.C. § 103(a)

1) Rejection in view of Nandabalan et al., Hoeffler et al. and Hua et al.

The Examiner rejects claims 1-9, 14, 20-24, and 36-40 under 35 U.S.C. §103(a) for being unpatentable over Hoeffler et al. (1999, WO 99/28502), Hua et al. (1997) Plasmid 38:91-96, and Filupa et al. (1998, WO 98/49198).

During the interview the Examiner agreed that Hoeffler et al., Hua et al. and Filupa et al. fail to teach or suggest to one of ordinary skill in the pertinent art to construct a library of yeast expression vectors encoding a library of antibodies having a diversity of $1x10^7$ or higher via homologous recombination. Instead, Hoeffler et al teaches constructing a library of yeast expression vectors encoding a library of antibodies with a diversity of 10^6 by using a conventional method of cloning the expression vectors in bacteria and subsequent transformation into yeast.

On the other hand, Hua et al. merely teaches how to optimize the efficiency of homologous recombination for functional analysis of a single gene. Hua et al's general statement of desirability of simplifying the cloning process for functional analysis of **a new gene** in no way suggests a method of constructing a library of yeast expression vectors encoding antibody having a diversity of $1x10^7$ or higher via homologous recombination in yeast.

The third reference, Filupa et al., fails to supply the teaching missing from Hoeffler et al. and Hua et al. relative to the claimed invention. As the Examiner states, Filupa et al. merely teaches the synthesis of single chain antibody capable of glycosylation having specific linker sequences.

Thus, the cited references, alone or in combination, fail to teach or suggest the claimed invention under 35 U.S.C. § 103(a). Withdrawal of this ground of rejection is therefore respectfully requested.

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2) Rejection in view of Griffith et al., Hoeffler et al. and Hua et al.

The Examiner rejects claims 1-15, 19, 23, 24 under 35 U.S.C. §103(a) for being unpatentable over Griffith et al. (1999, US Patent No:5,962,255) and Hua et al.

As the Examiner acknowledges in the Office Action, Griffith et al. teaches a method of constructing bacterial expression vector for phage display. On the other hand, Hua et al. merely teaches how to optimize the efficiency of homologous recombination for functional analysis of a single gene. Neither Griffith et al. nor Hua et al teaches or suggests a method of constructing a library of yeast expression vectors encoding antibodies having a diversity of $1x10^7$ or higher via homologous recombination in yeast.

Thus, the cited references, alone or in combination, fail to teach or suggest the claimed invention under 35 U.S.C. § 103(a). Withdrawal of this ground of rejection is therefore respectfully requested.

CONCLUSION

In light of the remarks and arguments set forth above, Applicants earnestly believe that they are entitled to a letters patent, and respectfully solicit the Examiner to expedite prosecution of this patent application to issuance. Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

Date: December 21, 2001

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